

Mazzocca, Timothy

From: [REDACTED]
Sent: Wednesday, May 9, 2018 4:12 PM
To: Mazzocca, Timothy [REDACTED]
Subject: [REDACTED]

[REDACTED]

[REDACTED]

From: Johnson, Marci
Sent: Wednesday, May 09, 2018 4:09 PM
To: Talaber, John <jtalaber@pa.gov>
Subject: FW: Federal and Out of State Cases

From: Johnson, Marci
Sent: Wednesday, May 18, 2016 1:06 PM
To: Bahney, Carolyn <cbahney@pa.gov>; Anthony, Debra <danthony@pa.gov>; Isaacs, Tina <tisaacs@pa.gov>; Thomas, Sharon <sharthomas@pa.gov>; Grimwood, Elaine <egrimwood@pa.gov>; Newsome-Rivera, Avis <anewsom-r@pa.gov>; Smeal, Elliot <elsmeal@pa.gov>; Shenk, Alicia <alshenk@pa.gov>; Sheffield, Cara <csheffield@pa.gov>; Forgonson, Donna <dforguson@pa.gov>
Cc: Barkley, Kimberly <kibarkley@pa.gov>; Janis, John <jjanis@pa.gov>; Francavilla, Carol <cafrancavi@pa.gov>; MacNamara, Rachel <rmacnamara@pa.gov>
Subject: RE: Federal and Out of State Cases

This would be for cases that have the date of 10/27/2010 or later for the sentencing date.

Thanks!

From: Johnson, Marci
Sent: Wednesday, May 18, 2016 12:55 PM
To: Bahney, Carolyn <cbahney@pa.gov>; Anthony, Debra <danthony@pa.gov>; Isaacs, Tina <tisaacs@pa.gov>; Thomas, Sharon <sharthomas@pa.gov>; Grimwood, Elaine <egrimwood@pa.gov>; Newsome-Rivera, Avis <anewsom-r@pa.gov>; Smeal, Elliot <elsmeal@pa.gov>; Shenk, Alicia <alshenk@pa.gov>; Sheffield, Cara <csheffield@pa.gov>; Forgonson, Donna <dforguson@pa.gov>
Cc: Barkley, Kimberly <kibarkley@pa.gov>; Janis, John <jjanis@pa.gov>; Francavilla, Carol <cafrancavi@pa.gov>; MacNamara, Rachel <rmacnamara@pa.gov>
Subject: RE: Federal and Out of State Cases

This applies to cases that were sentenced from 2010 and later. If you have an older case in question, please bring to Rachel or me.

Thanks!

From: Johnson, Marci
Sent: Friday, April 29, 2016 2:30 PM
To: Bahney, Carolyn <cbahney@pa.gov>; Anthony, Debra <danthony@pa.gov>; Isaacs, Tina <tisaacs@pa.gov>; Thomas, Sharon <sharthomas@pa.gov>; Grimwood, Elaine <egrimwood@pa.gov>; Newsome-Rivera, Avis <anewsom-r@pa.gov>; Smeal, Elliot <elsmeal@pa.gov>; Shenk, Alicia <alshenk@pa.gov>; Sheffield, Cara <csheffield@pa.gov>;

Forguson, Donna <dforguson@pa.gov>

Cc: Barkley, Kimberly <kibarkley@pa.gov>; Janis, John <jjanis@pa.gov>; Francavilla, Carol <cafrancavi@pa.gov>;

MacNamara, Rachel <rmacnamara@pa.gov>

Subject: Federal and Out of State Cases

Effective immediately, please process all federal and out of state cases in the following manner.

Give back time credit from the board warrant until the sentence date. The sentence date will be the effective date of return for all cases. If you feel there is an exception to these instructions, please bring cases to Rachel or me.

Thanks!

Marci Johnson | Parole Manager 2, Office of the Board Secretary

PA Board of Probation and Parole

1101 S. Front St. | Suite 5300 | Harrisburg, PA 17104-2519

Phone: 717.787.5699 ext. 1207 | Fax: 717.772.4375

marcijohns@pa.gov

www.pbpp.pa.gov

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and then delete the communication from your electronic mail system.

Click [here](#) to report this email as spam.

Mazzocca, Timothy

From: [REDACTED]
Sent: Wednesday, May 9, 2018 4:11 PM
To: Mazzocca, Timothy; [REDACTED]
Subject: [REDACTED]

[REDACTED]

[REDACTED]

From: Johnson, Marci
Sent: Wednesday, May 09, 2018 4:09 PM
To: Talaber, John <jtalaber@pa.gov>
Subject: FW: Change to Federal and Out of State Cases

From: Johnson, Marci
Sent: Monday, June 20, 2016 1:25 PM
To: Bahney, Carolyn <cbahney@pa.gov>; Anthony, Debra <danthony@pa.gov>; Isaacs, Tina <tisaacs@pa.gov>; Thomas, Sharon <sharthomas@pa.gov>; Grimwood, Elaine <egrimwood@pa.gov>; Newsome-Rivera, Avis <anewsomerr@pa.gov>; Smeal, Elliot <elsmeal@pa.gov>; Shenk, Alicia <alshenk@pa.gov>; Sheffield, Cara <csheffield@pa.gov>; Forgonson, Donna <dforguson@pa.gov>
Cc: MacNamara, Rachel <rmacnamara@pa.gov>
Subject: Change to Federal and Out of State Cases

The new processing of federal and out of state cases has changed again.

The only cases that should be in question are cases with a CPV when available board action in place and with a sentence date of 10/27/2010 or later.

Please see below:

In response to the multiple questions on when and how to apply the *Bassit-Smith-Banks* line of cases (the most recent decision-*Banks*-is attached), here is the Office of Chief Counsel's legal advice. Please note that "Original Sentence" is the sentence in which the offender was released on parole.

A. Federal/Out-of-State Cases Where There is a CPV Recommitment Decision and the Federal/Out-of State Sentence is served before the Original Sentence (this includes cases where the CPV is in "when available" status awaiting return to the SCI):

1. Was the CPV sentenced to serve a federal or out-of-state sentence on or after October 27, 2010? If yes, go to number 2. If no, than this advice does not apply.
2. Did the CPV serve his Federal Sentence before his Original Sentence? If yes, go to number 3. If not, than this advice does not apply.

3. The offender is entitled to sentence credit for the period of time the Board lodged its detainer to the date of sentencing, with the custody for return date being the date of sentencing. The normal "double credit" and "concurrent service of sentences" prohibitions do not apply to this situation.

B. Federal/Out-of-State Cases Where There is a CPV Recommitment Decision and the Original Sentence is served before the Federal/Out-of-State Sentence:

The normal "Gaito/Martin" rules apply, and service of order of sentences follows the Prison and Parole Code.

C. Federal/Out-of-State Cases Where there is not a CPV Decision prior to the service of the Federal/Out-of State Sentence:

The normal "Gaito/Martin" rules apply and the order of service of sentences is a moot point.

D. To the extent that a case does not fit into a situation described above, please see Assistant Counsel John Talaber for legal advice.

Finally, if as a result of applying the above advice to a given case an offender is held past their original sentence maximum date, please keep a list that includes the offender's full name, Parole Number, DOC Number and how long past the maximum date they were held. We will need to place a records hold on these cases in case there is subsequent civil rights litigation.

Please email Rachel and me the above information if you encounter one of these cases. There really should not be many cases that receive credit.

These cases are not RUSHES unless there is a CPV when available in place and the max is close.

Any questions, please see Rachel or me.

Thanks!

Marci Johnson | Parole Manager 2, Office of the Board Secretary
PA Board of Probation and Parole
1101 S. Front St. | Suite 5300 | Harrisburg, PA 17104-2519
Phone: 717.787.5699 ext. 1207 | Fax: 717.772.4375
marcijohns@pa.gov
www.pbpp.pa.gov

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and then delete the communication from your electronic mail system.